

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 14, 2006**

DIVISION THREE

B176782      People                                  (Not for Publication)  
v.  
**Robert James Wood**

The judgment is modified by striking appellant's conviction for possession of a destructive device as a lesser included offense of count 9, leaving unchanged his remaining convictions, including his conviction for possession of a destructive device as a lesser included offense of count 8 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an abstract of judgment reflecting the above modification.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B185014 People (Not for Publication)  
v.  
Daniel Thomas Simonian

The judgment is modified to stay the concurrent terms imposed on counts two and four and, as so modified, affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting this modification.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

April 14, 2006 (Continued)

### DIVISION THREE (Continued)

B184125      People                                  (Not for Publication)  
v.  
Bill Bochicchio

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B187122 People (Not for Publication)  
v.  
Jose Osvaldo Gutierrez Jr.

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B181706      People                                  (Not for Publication)  
v.  
Rodney Lavelle Coulter

The case is remanded to the trial court for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

April 14, 2006 (Continued)

### DIVISION THREE (Continued)

B178102 People (Not for Publication)  
v.  
Jerry P.,

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B179641      Ashou      (Certified for Publication)  
v.  
Liberty Mutual Fire Ins. Co.

The order of dismissal is reversed and the matter is remanded. The trial court is directed to vacate its order sustaining Liberty Mutual's demurrer without leave to amend, and enter a new and different order sustaining the demurrer with leave to amend. Ashou should be permitted to amend her complaint to allege, if she truthfully can do so, a precise date that Liberty Mutual agreed to reconsider her claim that would render her complaint timely under the doctrine of equitable tolling. The parties are to bear their own costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B183062 Kennedy (Not for Publication)  
v.  
Far East National Bank

The summary judgment is affirmed. Bank shall recover its costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B186140      Mid-Century Insurance Company (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Bandeck, r.p.i.)

The petition is denied. Petitioner is to bear the costs of this writ proceeding.

Aldrich, J.

We concur: Croskey, Acting P.J.  
Kitching, J.

B189099      Angel F. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The writ petition is denied. The case is remanded to the dependency court with directions that the court shall direct the Department to further inquire of paternal grandmother regarding Vivon's possible Native American heritage, and to comply with the notice provisions of the ICWA, if necessary. After any such notice, if Vivon is determined to be an Indian child and the ICWA applies to these proceedings, mother is then entitled to petition the dependency court to invalidate orders which violated the ICWA.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B180441      People  
v.  
D.J.,  
In Re D.J. A Person Coming Under the Juvenile Court Law

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B181230 People (Not for Publication)  
v.  
Herrera

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J. (Assigned)

B155456 People (Not for Publication)  
v.  
Swain et al.

The judgments are affirmed.

Epstein, P.J.

We concur: Curry, J.  
Hastings, J. (Assigned)

B185349      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Maria B.

The order terminating parental rights is reversed and the matter remanded for further proceedings in keeping with the views expressed herein.

Curry, Acting P.J.

We concur: Willhite, J.  
Hastings, J. (Assigned)

DIVISION FOUR (Continued)

B184881      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Maria R.

The order is affirmed.

Epstein, P.J.

We concur:    Curry, J.  
                 Willhite, J.

B182937      Marquez      (Not for Publication)  
                 v.  
                 Fenster

The judgment is reversed and the matter is remanded for further proceedings. Appellant is to recover her costs on appeal.

Curry, J.

We concur:    Epstein, P.J.  
                 Willhite, J.

B152529      Chambord Technologies, Inc. et al.      (Not for Publication)  
                 v.  
                 Arthur D. Little, Inc. et al.

The judgment is reversed. The matter is remanded for further proceedings on appellants' claim for intentional interference with contract in conformity with the views expressed herein. The cross-appeal is dismissed. Appellants are awarded their costs on appeal.

Curry, J.

We concur:    Epstein, P.J.  
                 Hastings, J. (Assigned)

April 14, 2006 (Continued)

DIVISION FIVE

B180576      Hiram Ash      (Not for Publication)  
v.  
Hoag Property Management

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                          Kriegler, J.

B184751 People (Not for Publication)  
v.  
Ronald Woods

The cause is remanded to the trial court to conduct further proceedings in accordance with the requirements of Penal Code section 987.8. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.  
Kriegler, J.

B180651 People  
v.  
Mauricio A. Munigia et al

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

## DIVISION SIX

B184370 Mokhtari-Sharghi  
v.  
Trustees of the Calif. State University & Colleges

Filed order denying petition for rehearing.

DIVISION EIGHT

B186272      People      (Not for Publication)  
v.  
Taylor

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

B184271      People  
v.  
Coons

(Not for Publication)

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.

B182022 People (Not for Publication)  
v.  
Shellmire

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.



April 14, 2006 (Continued)

## DIVISION EIGHT (Continued)

B181058 People (Not for Publication)  
v.  
Pyles

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B183702      Tig Insurance Company      (Not for Publication)  
v.  
Taco Bell Corporation et al.,

The order is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B180223      Blanco et al.,      (Not for Publication)  
v.  
Arias et al.,

The judgment is affirmed. Respondents shall recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

April 14, 2006 (Continued)

## DIVISION EIGHT (Continued)

B182736 Beaver (Not for Publication)  
v.  
P.A.T.H. et al.,

The judgment is reversed. Appellant shall recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.